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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,225	10/16/2001	Jacob K. Frendenthal	07414.0034-00	3636
7590 10/04/2004			EXAMINER	
Finnegan, Henderson, Farabow Garrett & Dunner, L.L.P.			SINES, BRIAN)	
1300 I Street, N.W. Washington, DC 20005-3315			ART UNIT	PAPER NUMBER
			1743	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
		09/977,225	FREUDENTHAL ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Brian J. Sines	1743	
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet w	ith the correspondence address	
A SH THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1. SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period of the reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a y within the statutory minimum of thir will apply and will expire SIX (6) MON, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status				
1)	Responsive to communication(s) filed on			
2a) <u></u> ☐	•	action is non-final.		
3)□	Since this application is in condition for allowar closed in accordance with the practice under E	·	-	
Dispositi	on of Claims			
5) 6) 7)	Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-30 are subject to restriction and/or expressions.	wn from consideration.		
Applicati	on Papers	·		
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to drawing(s) be held in abeyar ion is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).	
Priority u	ınder 35 U.S.C. § 119			
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureausee the attached detailed Office action for a list	s have been received. s have been received in A rity documents have been u (PCT Rule 17.2(a)).	pplication No received in this National Stage	
Attachment	t(s)			
2) Notice 3) Inform Paper	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s	Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152) 	. *

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 17 and 24 30, drawn to a system for filling sample chambers with liquid, wherein the system incorporates the use of a network of passageways and a valve apparatus structure comprising a fill port seal opening, classified in class 422, subclass 100.
- II. Claims 18 23, 29 and 30, drawn to a system for filling sample chambers with liquid, wherein the system requires a priming means for venting gas from the liquid at a liquid outlet port, classified in class 422, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

These inventions are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (see MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions have different modes of operation, since each of the inventions incorporate different structural and functional features, such as the priming means recited in the invention of group II.

Because these inventions are distinct for the reasons given above and the search required for each of the groups are different, restriction for examination purposes as indicated is proper.

A telephone call was made to Troy E. Grabow on 9/30/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines, Ph.D. whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).